

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ROBERT EVANS MAHLER,

Plaintiff,

Civil No. 06-532-HO

ORDER

v.

BERNARD F. BEDNARZ JR., et al.,

Defendants.

Plaintiff alleges constitutional and state law torts arising from the theft of table tennis equipment and intellectual property, which plaintiff claims he loaned to the Salem Table Tennis Club, a non-profit organization founded and operated by plaintiff. Plaintiff filed a motion for preliminary injunction requiring defendants to return or cease use of plaintiff's property. Plaintiff's motion also seeks declaratory relief, which is inappropriate at this preliminary stage of the case.

Discussion

[A] court may grant a preliminary injunction if a

plaintiff demonstrates either a combination of probable success on the merits and the possibility of irreparable harm or that serious questions are raised and the balance of hardships tips sharply in his favor.

Earth Island Institute v. United States Forest Svc., 442 F.3d 1147, 1158 (9<sup>th</sup> Cir. 2006) (internal citations and quotations omitted). The pleadings and other filings demonstrate that ownership of the property is disputed. There is no evidence that defendants are using the Salem Table Tennis Club name. Monetary relief is sufficient to compensate plaintiff for interference with his property interests, if any, in the table tennis equipment. Plaintiff did not apply for preliminary relief until more than one year after he filed the initial complaint. Plaintiff does not demonstrate probable success on the merits and the possibility of irreparable harm, or that serious questions exists and the balance of hardships tips sharply in his favor.

#### Conclusion

Based on the foregoing, plaintiff's motion for preliminary injunction [#59] is denied.

IT IS SO ORDERED.

DATED this 6<sup>th</sup> day of June, 2007.

s/ Michael R. Hogan  
United States District Judge